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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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14 **STATE OF CALIFORNIA, STATE OF**
15 **COLORADO, STATE OF DELAWARE,**
16 **COMMONWEALTH OF**
17 **MASSACHUSETTS, STATE OF NEW**
18 **JERSEY, STATE OF NEW MEXICO,**
19 **STATE OF NEW YORK, STATE OF**
20 **OREGON, STATE OF RHODE ISLAND,**
21 **STATE OF VERMONT, and STATE OF**
22 **WASHINGTON,**

23 Plaintiffs,

24 v.

25 **UNITED STATES OF AMERICA, U.S.**
26 **ENVIRONMENTAL PROTECTION**
27 **AGENCY, LEE ZELDIN, in his official**
28 capacity as Administrator of the U.S.
Environmental Protection Agency, and
DONALD J. TRUMP, in his official capacity
as President of the United States,

Defendants.

Case No. 4:25-cv-04966-HSG

**DECLARATION OF CECILIA D. SEGAL
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
ADMINISTRATIVE MOTION FOR A
STAY DUE TO LAPSE IN
APPROPRIATIONS**

Action filed: June 12, 2025

1 I, Cecilia D. Segal, declare as follows:

2 1. I am a Deputy Attorney General in the California Attorney General's Office, counsel for
3 Plaintiff California in this matter, and admitted to practice in this Court. Unless otherwise
4 indicated, this Declaration is based on my personal knowledge, and, if called as a witness, I could
5 and would testify to the statements herein.

6 2. On October 16, 2025, counsel for Defendants, Mr. Stephen Pezzi, informed Plaintiffs'
7 counsel of Defendants' intent to seek a stay of all proceedings in this case pursuant to the Anti-
8 Deficiency Act given the lapse in appropriations funding various federal agencies and
9 departments.

10 3. In response, Plaintiffs indicated a willingness to extend Defendants' deadline for filing a
11 motion to dismiss the amended complaint and sought clarification on whether the U.S.
12 Department of Justice intended to seek a similar stay of proceedings in a case involving
13 overlapping issues and parties, *Daimler Truck North America LLC v. California Air Resources*
14 *Board*, No. 2:25-cv-02255-DC (E.D. Cal. filed Aug. 11, 2025).

15 4. Although Mr. Pezzi is not counsel for the federal government in *Daimler*, he conveyed his
16 understanding that the federal government would not be seeking a stay in that case. Given that
17 disparity and Plaintiffs' vested interest in moving their case forward, Plaintiffs represented that
18 they would oppose a stay of all proceedings in this matter.

19 5. A true and correct copy of the U.S. Department of Justice's FY 2026 Contingency Plan is
20 attached hereto as Exhibit A. Exhibit A is publicly available at and was downloaded from:

21 <https://www.justice.gov/jmd/media/1377216/dl>.

22 6. A true and correct copy of Lisa Friedman's article in the New York Times, *The*
23 *Government Is Shut Down. But Not for Fossil Fuels*, dated October 17, 2025, is attached hereto as
24 Exhibit B. Exhibit B is available at and was downloaded from:

25 <https://www.nytimes.com/2025/10/17/climate/trump-government-shutdown-energy.html>.

1 7. A true and correct copy of Ellie Borst and Jean Chemnick's article in E&E News, *EPA*
2 *flush with cash for 'priority' staff*, dated October 29, 2025, is attached hereto as Exhibit C.

3 Exhibit C is available at and was downloaded from: [https://www.eenews.net/articles/epa-flush-](https://www.eenews.net/articles/epa-flush-with-cash-for-priority-staff/)
4 [with-cash-for-priority-staff/](https://www.eenews.net/articles/epa-flush-with-cash-for-priority-staff/).

5 8. A true and correct copy of Chief Judge Seeborg's and Clerk of Court Busby's public
6 notice, *Court Operations During Lapse in Appropriations*, dated October 17, 2025, is attached
7 hereto as Exhibit D. Exhibit D is publicly available at and was downloaded from:

8 <https://cand.uscourts.gov/news/2025/10/17/court-operations-during-lapse-appropriations>.

9
10 I declare under penalty of perjury that the foregoing statements are true and correct.

11 Executed on November 3, 2025.

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13 /s/ Cecilia D. Segal
14 Deputy Attorney General
Attorneys for Plaintiff State of California
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